

**RESPONSE UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 2838**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor :	Kevin I. Bertness	
Appln. No.:	10/681,666	
Filed :	October 8, 2003	Group Art Unit: 2838
For :	ELECTRONIC BATTERY TESTER WITH PROBE LIGHT	Examiner: Edward H. Tso
Docket No.:	C382.12-0169	

RESPONSE AFTER FINAL

ELECTRONICALLY FILED ON
NOVEMBER 26, 2007

Mail Stop AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Sir:

This is in response to the Office Action dated September 26, 2007. In the Office Action, all pending claims 1, 4-18 and 20-30 were rejected. Applicant respectfully requests reconsideration and allowance of all pending claims.

On Page 2 of the Office Action, claims 1, 4-18 and 20-30 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bertness (US 6,316,914), in view of Vinci, U.S. Patent No. 5,672,964. This rejection was addressed in an Amendment that was filed on June 22, 2007. Page 3 of the Office Action includes a response to the arguments made by the Applicant in that Amendment.

In the Response to Arguments section, it is indicated that the Examiner disagrees with the Applicant's arguments because, in Vinci, the purpose of having a light integrated to the tester is (1) to illuminate the area to be tested, (2) to free the other hand from having to hold the light and (3) prevent any shadow spot on the area to be tested.

Applicant respectfully asserts that, unlike Vinci, illuminating a general testing area is

not what the claimed invention addresses.

Page 11, lines 18-27, of the Applicant's specification, which are included below, describe the specific problem associated with battery testing that the claimed invention addresses.

“In general, when required, separate lighting equipment such as a torch is utilized to illuminate a battery environment during battery testing. However, employing separate lighting equipment during battery testing makes the testing and lighting equipment difficult to properly position and operate in a constrained and poorly lit environment associated with, for example, testing of batteries wherein the battery terminals are recessed in cabinets.” (Emphasis Added.)

Vinci, which includes an illumination source attached to the tester housing, is incapable of addressing the above problem which, to be properly addressed, would at a minimum require a light coupled to an element that directly connects to the battery terminal. Accordingly, claim 1 includes “a probe light configured to couple to at least one of the first and second Kelvin connections, the probe light having a longitudinal axis that is oriented generally toward an end, of one of the first and second Kelvin connections, that couples to one of the first and second terminals of the battery.” Neither Vinci or Bertness, taken individually or in combination, show or suggest this element of claim 1.

Further, combining Bertness (which includes a battery tester without a source of illumination) with Vinci (which, as noted above, includes an illumination source attached to the tester housing) would result in a battery tester with a source of illumination integrated with its housing and not coupled to its Kelvin connections.

Independent claim 25 has elements similar to that of independent claim 1. Thus, for the same reasons as independent claim 1, Applicant submits that independent claim 25 is allowable as well.

Applicant respectfully points out that the Office Action has not addressed the dependent claims. In general, the dependent claims set forth numerous elements not shown or suggested in the cited references. For example, claim 6, which depends from claim 1, features “the probe light is configured to couple to the at least one of the first and second Kelvin connections via probe extensions.” Nothing in the cited prior art teaches or suggests anything

about a probe light coupling to Kelvin connections via probe extensions.

In view of the foregoing, and for reasons included in the Amendment filed on June 22, 2007, Applicant respectfully requests reconsideration and allowance of claims 1, 4-18 and 20-30. Favorable action upon all claims is solicited.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: /Alan G. Rego/

Alan G. Rego, Reg. No. 45,956
900 Second Avenue South, Suite 1400
Minneapolis, Minnesota 55402-3319
Phone: (612) 334-3222 Fax: (612) 334-3312

AGR:tkj